

PROPOSED AMENDMENT

In Section 28, "Age Discrimination," add the following amendment to the proposed new Section 15. "NONDISCRIMINATION ON ACCOUNT OF AGE IN FEDERAL GOVERNMENT EMPLOYMENT" to the Age Discrimination in Employment Act of 1967.

"(f) This section shall not apply to agencies having positions which, pursuant to statute, subject the incumbents to mandatory retirement after twenty-five years of service, or termination in the interests of the United States, at the discretion of the agency head."

PROPOSED LEGISLATIVE HISTORY

For inclusion as appropriate in the conference committee report:

"The Committee recognizes, however, the mandatory statutory retirement programs after twenty-five years of service and the statutory termination authority in the interests of the United States existing in certain agencies. It is not the intent of the Committee to subordinate any discretionary authority or final judgment of agency heads pursuant to such statutory authorities."

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RATIONALE FOR LEGISLATIVE HISTORY  
IN CONFERENCE REPORT ON  
NEW SECTION 15 OF THE AGE DISCRIMINATION  
IN EMPLOYMENT ACT OF 1967

The 1967 Act in proscribing discrimination for age in the private sector specifies in Section 4(f) three areas beyond the scope of the Act. Exemptions are granted for instance:

- 1) Where age is a bona fide occupational qualification;
- 2) To protect bona fide plans for retirement, etc., and,
- 3) To assure authority for discharge of an individual for good cause.

The relief granted in the private sector under the 1967 Act should apply equally to the Federal Government. New Section 15 enacted in this bill recognizes specifically in Section 15(b) that there may be exemptions from the proscriptions of the legislation based upon a bona fide occupational qualification related to age. The attached suggested insertion in the conference report is intended to recognize that the proscriptions of the legislation do not apply in the event of a conflict with statutory retirement plans or discharge authority, the other two areas exempted in the private sector.

Proposed Insertion in Conference Report

It is not the intent of this Committee through the enactment of new Sec. 15, "NONDISCRIMINATION ON ACCOUNT OF AGE IN FEDERAL GOVERNMENT EMPLOYMENT," to subordinate existing statutory authority for mandatory retirement or termination of the employment of any officer or employee in the interests of the United States at the discretion of the agency head.